IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.279 of 1999

DATED: 04-04-2007

Between:

Smt. K.P. Kamala. .. Petitioner.

And

Municipal Office, Malkajgiri,
Ranga Reddy District, rep. by its
Commissioner. .. Respondent.

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.279 of 1999

ORDER:

The petitioner claims to be the owner of plot No.618 situated in Sy.No.218/1 at Khusba, Malkajgiri, Ranga Reddy District, having purchased the same under a registered sale deed, dated 31.12.1981, from the Defence Housing Society Limited. Aggrieved by the notice, dated 18.12.1998, issued by the respondent-Municipality, under which, the petitioner was called upon to stop the alleged unauthorized constructions being made on the plot in question, and to remove the constructions already made alleging that the said constructions were contrary to the plan sanctioned by H.U.D.A., this writ petition was filed.

In this Writ Petition, the petitioner had not only denied the allegation that the constructions are being made contrary to the sanction plan, but also contended that the impugned notice, which is vague, ambiguous and lacking the particulars of the alleged violations, is arbitrary and illegal.

This Court in **S. RAMA GOPAL & OTHERS v. COMMISSIONER, MUNICIPAL CORPORATION OF HYDERABAD AND ANOTHER**[1] while dealing with an identical notice issued under Section 461 of the Hyderabad Municipal Corporation Act, 1955, held that such notice should contain exact nature of violations and contraventions made, so as to enable the petitioner to make effective

representations about the proposed action.

In the instant case, since the impugned notice does not indicate the particulars of the alleged violations and contraventions, the ratio laid down in the above decision squarely applies and consequently the same is liable to be set aside on that ground alone.

Though *rule nisi* was ordered by this Court on 12.01.1999, no counter affidavit has been filed by the respondent so far, and the interim suspension of the impugned notice continued to be in operation through out.

Having regard to the facts and circumstances and in the light of the ratio laid down by this Court in the above decision, the impugned notice is hereby set aside and the Writ Petition is disposed of, leaving it open to the respondent to issue a fresh notice furnishing all the necessary details, thereby affording an opportunity to the petitioner to meet the allegations. No costs.

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(**G.ROHINI,J**)

04.04.2007
v v

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[1] 1993 (3) ALT 660